

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

HAROLD JOHNSON,

Civil No. 04-2636 (JRT/FLN)

Plaintiff,

v.

**ORDER**

CITY OF MINNEAPOLIS, JESSIE GARCIA, III,  
STEVEN PARSHALL, PATRICIA NELSON,  
AND TROY WALKER,

Defendants.

Bruce Rivers, **RIVERS & ASSOCIATES**, 100 North Sixth Street, Suite 280B,  
Minneapolis, Minnesota 55403, for plaintiff.

C. Lynne Fundingsland, **OFFICE OF THE MINNEAPOLIS CITY  
ATTORNEY**, 333 South Seventh Street, Suite 300, Minneapolis, Minnesota  
55402, for defendant.

This matter is before the court on a Report and Recommendation from Magistrate  
Judge Arthur J. Boylan dated January 4, 2006. There being no objections filed to Magistrate  
Judge Boylan's Report and Recommendation,

**THE COURT HEREBY ORDERS THAT,**

1. Defendants' motion for summary judgment on Plaintiff's claim for  
"unreasonable seizure – arrest without probable cause," the motion is  
**granted;**
2. Defendants' motion for summary judgment on Plaintiff's claim of excessive  
force against Defendant Walker, the motion is **denied;**
3. Defendants' motion for summary judgment on Plaintiff's claim that the City  
is liable for the failure to train, supervise and discipline, the motion is

**granted;**

4. Defendants' motion for summary judgment on Plaintiff's claim of battery, the motion is **denied;**
5. Defendants' motion for summary judgment on Plaintiff's claim of assault, the motion is **denied;**
6. Defendants' motion for summary judgment on Plaintiff's state claim of false arrest, the motion is **granted;**
7. Defendants' motion for summary judgment on Plaintiff's claim of intentional infliction of emotional distress, the motion is **granted;**
8. Defendants' motion for summary judgment on Plaintiff's claim on the City's vicarious liability, the motion is **denied;**
9. Defendants' motion for summary judgment on Plaintiff's state claim of negligent training and supervision, the motion is **granted.**

**THIS CASE WILL BE PLACED ON THE COURT'S NEXT  
AVAILABLE TRIAL CALENDAR.**

Dated: January 24, 2006  
at Minneapolis, Minnesota.

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s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge